

## General Information

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*Note: Many NJ agencies are involved in brownfields funding or planning issues and meet regularly as the Brownfields Redevelopment Interagency Team (BRIT). Contact: Frances Hoffman, NJ Department of Community Affairs' Office of Smart Growth, 609 292 3096, [fhoffman@dca.state.nj.us](mailto:fhoffman@dca.state.nj.us).*

## Program Description (VCP, brownfields, or related)

**Brownfields definition:** New Jersey defines a brownfields as any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

### Program titles:

- Brownfields Act
- Spill Act
- Industrial Sites Recovery Act (1993; amended 1998), replaced Environmental Cleanup and Responsibility Act

The state's Voluntary Cleanup Program (VCP) was established in 1992 as a subset of site remediation cases. It is fully integrated into its other programs.

### Liability relief provisions:

- Program offers No Further Action (NFA) letter with Covenant Not to Sue (CNTS). Potentially responsible parties (PRPs) can participate in the VCP but may not benefit from the CNTS. Subsequent landowners may be eligible for CNTS. The state Spill Act also contains an innocent purchaser defense, which includes third party liability protection. Also, prospective purchaser agreements are made available.
- Under state Natural Resources Damages (NRD) policy, claims for damages or compensatory restoration shall not be asserted against brownfields developers that meet the innocent purchaser defense requirements under state law at sites where there is a historical natural resource injury. If the NJDEP Office of Brownfields Reuse or any Site Remediation Program (SRP) manager identifies any site or claim at which the

assertion of an NRD claim is an impediment to cleanup or redevelopment, the Assistant Commissioner for SRP shall identify that site to the Commissioner and to the Assistant Commissioner for National and Historic Resources (NHR) and shall propose whatever policy exception, waiver, or other resolution is appropriate to eliminate the impediment. SRP shall ensure that the resolution, if any, is identified within ten business days.

### Financial incentives (grants, loans, tax provisions, etc.):

- Hazardous Discharge Site Remediation Fund
- New Jersey's Infrastructure Trust fund provides low-interest loans for water-related brownfields activities.
- Municipalities may designate qualifying Environmental Opportunity Zones, supported by incrementally increasing real property tax abatements (to offset cleanup costs) for up to 15 years as needed.
- State also offers 25% matching grants to qualified persons for innovative technology cleanups and unrestricted or limited-restricted use cleanups.
- State offers tax rebates through redevelopment agreements with developers for recovery of up to 75% of cleanup costs.

### Legislative or program site eligibility

**requirements:** Participation in VCP is open to all parties with some exceptions (e.g., publicly funded sites, sites under an enforcement action or court order).

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):**

- Hazardous Discharge Site Remediation Fund—provides low-interest loans and grants, administered by Economic Development Authority with advice from NJDEP, of up to \$1,000,000 to private entities for remediation activities; \$2,000,000 in grants and loans available to local governments for orphan sites and sites obtained through tax sale certificates or by voluntary conveyance for redevelopment purposes.
- State Infrastructure Trust Fund—provides low-interest loans for water-related brownfields activities.
- 25% matching grants to qualified persons for innovative technology cleanups and 25% matching grants for unrestricted or limited-restricted reuse cleanups.

# New Jersey

- The state also operates a brownfields program based on a state statute. Cleanup standards for brownfields sites are identical to those for other sites and may include deed notices. Hundreds of sites are presently being cleaned up under this program, with commitments for reuse.

## **Tax incentives (abatements, credits, etc.):**

- Tax rebates from the state, through redevelopment agreements with developers, allow recovery of up to 100% of cleanup costs; sales tax paid for residential building materials is included.
- Qualifying Environmental Opportunity Zones, designated by municipalities, supported by incrementally increasing real property tax abatements (to offset cleanup costs) for up to 15 years as needed.
- New tax credit program

## **Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):**

- NJDEP's Brownfields Development Area (BDA) program works with selected communities impacted by multiple brownfields sites to implement remediation and reuse plans in a coordinated fashion. Under this designation, all brownfields sites within a BDA will be assigned to a single case manager, who will coordinate with partnering state agencies to direct targeted technical and financial assistance to stimulate reuse. The plans will be developed under the direction of a local steering committee with support from NJDEP advisors.
- Under the Cleanup Star Program, NJDEP pre-qualifies environmental consultants meeting rigorous education, experience, and professional requirements as "Cleanup Stars." These "Cleanup Stars" are permitted to investigate and remediate certain low-priority sites and areas of concern with limited NJDEP oversight, excluding ground water contamination. NJDEP will strictly audit Cleanup Stars' work to ensure regulatory compliance and protection of public health and the environment. The Cleanup Star Program is designed to achieve three main goals: 1) increase the quality of the environmental consulting profession; 2) facilitate remediation of low-risk sites; and 3) allow NJDEP case managers to devote more resources to high priority cases.

## **Program Elements**

### **Technical Elements**

#### **Methods/standards/controls:**

- State allows three cleanup levels: 1) unrestricted use remedial actions; 2) limited restricted use remedial actions; and 3) restricted use remedial actions. Natural attenuation allowed in some circumstances with the Classification Exception Area (CEA) institutional control. In any situation, contamination source must be removed.

- The state has statutory cleanup provisions with risk based goals, and also uses water quality criteria, Maximum Contamination Level (MCLs) and Maximum Contaminant Level Goal (MCLGs), background levels, risk assessment. State is currently promulgating soil cleanup standards. The risk level set by the statute is  $10^{-6}$  for carcinogens, and a Hazard Index of 1 or less for non-carcinogens. For soil cleanup, the state may use the standards or determine case-specific levels by risk assessment. If the standards are determined to be below background levels, then the cleanup level is background. For sites where cleanup is based on restricted land uses, site specific deed notices must be recorded. The same standards are used for all cleanups, including voluntary cleanups and brownfields sites.

**Contaminants covered/excluded:** No information available

#### **Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):**

Yes. Requirement for reporting to the state on the controls' effectiveness every two years; requirement for state inspection every five years. Includes soil and ground water control.

## **Management & Implementation Elements**

### **Voluntary Cleanup Program MOA with EPA:** No

**Costs to enter program or fees for service:** State charges oversight fee based on staff time spent; the state may bill salary and overhead, but not its indirect costs for homeowners and developers.

**Funding source for administrative costs and staff:** The SRP in NJDEP has 636 full-time staff members. The Attorney General's Office (Department of Law and Public Safety, Division of Law, Hazardous Site Litigation Section) provides attorneys for legal support of the program. Funding for staff and administration comes from the Spill Compensation Fund, Corporate Business Tax, and Bond funds, direct billing, and federal grants.

## **Cleanup Activities**

**Sites currently in VCP:** In 2002, the New Jersey Hazardous Discharge Site Remediation Fund closed on 156 brownfields loans and grants totaling more than \$15,000,000, with another 200 projects under review. Since its inception in 1993, \$95,000,000 has been provided to assist municipalities, businesses, and individuals reclaim polluted sites. At any one time, the NJDEP oversees some 23,000 contaminated sites. An estimated 10,000 of these are potential brownfields sites. Many more potential brownfields may exist in the state that are not yet before the DEQ for review.

**Sites completed under VCP:** In 2003, the state signed 3,402 voluntary cleanup memoranda of agreement. Private developers have more than 57 redevelopment agreements for cleanup cost recovery totaling more than \$279,000,000.

## **Benefits (incentives to participate in the VCP, covenants not to sue, etc.):**

- Program is voluntary
- NFAs are accompanied by a CNTS
- Certain liability protections require VCP participation
- Redevelopment agreements require VCP participation

## **Public Participation**

**Public participation requirements (notice, comment periods, etc.):** The Spill Act specifies that actions should “to the greatest extent possible, be in accordance with the National Contingency Plan (NCP).” A state regulation provides for public notice of cleanup actions at all sites.

In the spring of 2003, a task force convened by the Assistant Commissioner for Site Remediation examined public participation in site remediation, which submitted recommendations that were under review in the fall of 2004. The task force proposed an enhanced notification system to require public and private parties conducting remediation to notify owners/tenants of properties abutting a site at the time the case moves into the remedial investigation. Two other elements would involve broader notification when sensitive populations are near the site or contamination migrates off site.

The NJDEP Office of Community Relations conducts workshops, field training on site remediation basics, and efforts to engage citizens in these issues.

## **Public participation activities (hearing, meetings, etc.):**

As required and as requested. Program holds quarterly brownfields roundtables with interested parties and a quarterly advisory committee meeting to update interested parties on regulatory and policy issues.

## **Statutory Authorities**

- The *Brownfields and Contaminated Site Remediation Act*, NJSA §58:10B, provides the basis for the remediation of contaminated sites and a brownfields program; it also amended site remediation standards to reflect land use restrictions.
- The *Spill Compensation and Control Act*, NJSA §§58:10–23–11 separately et seq., (enacted 1976, and amended almost annually thereafter), establishes a fund for cleanups and provides authority for emergency response, removals, remedial actions, enforcement, cost recovery, victim compensation, natural resources damages, and voluntary cleanup.
- The *Industrial Site/Recovery Act* (ISRA) (1993), NJSA §§13:1K–6 et seq., requires transferors of industrial facilities to clean up contamination.
- The *Environmental Rights Act*, NJSA §2A:35A establishes a basis for filing citizen suits.
- The *Water Pollution Control Act* (WPCA), NJSA §§10A–1 et seq., establishes the basis for the remediation of contaminated sites which impact the waters of the state.

# New York

## General Information

**Contact:** Division of Environmental Remediation

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625 Broadway, 12th Floor  
Albany, NY 12233-7011

**Phone:** 518 402 9711

**Fax:** 518 402 9722

**Email:** [derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us)

**Web site:** <http://www.dec.state.ny.us/website/der/>

## Program Description (VCP, brownfields, or related)

**Brownfields definition:** The only explicit definition of a brownfield in New York State's cleanup programs is found in the Brownfield Cleanup Program (BCP). The BCP defines a brownfield site as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous waste, petroleum, pollutant or contaminant. The remainder of the brownfield programs address similar sites but do not refer to the sites as brownfields.

### Program titles:

- Brownfield Cleanup Program (BCP) (2003)—Cleanup program, successor to Voluntary Cleanup Program.
- Voluntary Cleanup Program (VCP) (1994)—Cleanup program. As of October 1, 2003, no new VCP applications are being accepted. Projects currently in the VCP may remain in the program until completion.
- Environmental Restoration Program (ERP) (1996)—Cleanup program.
- Brownfield Opportunity Areas Program (BOA) (2003)—Planning program.

### Liability relief provisions:

- BCP—Following the completion of the project, the DEC issues a Certificate of Completion (COC), which entitles the recipient to an environmental liability limitation (subject to reopeners) that would be binding on the state for any liability including future liability or claim for further remediation of hazardous waste and/or petroleum at or emanating from the site that was subject to the agreement. The liability limitation extends to successors and assigns except a responsible party, unless that person was party to the Brownfields Cleanup Agreement. The BCP also provides appropriate liability relief to innocent landowners, municipalities, and fiduciaries.
- Projects completed in the VCP are assigned a release and Covenant Not to Sue (CNTS), which is transferable to future non-potentially responsible party (PRP) owners. Non-PRP volunteers also receive a release that covers

natural resource damages. The DEC's release binds itself, and does not bind private parties harmed, does not bind the state attorney general or the state comptroller, and does not bind EPA.

- ERP gives liability release and indemnification to municipalities and non-PRP successors, including future owners, lenders, or lessees for hazardous substances that were on the property prior to the ERP grant.
- BOA—None

### Financial incentives (grants, loans, tax provisions, etc.):

- Tax Credits (BCP)
- Technical Assistance Grants (TAGs) up to \$50,000 per site are available at significant threat sites under the BCP or at Class 2 sites under Superfund.
- Clean Water/Clean Air Bond Act (ERP) (grants of 90% for eligible on-site costs to 100% for eligible off-site costs)
- Clean Water State Revolving Fund
- Empire Zones, Environmental Zones
- Planning Grants of 90% (BOA)

### Legislative or program site eligibility requirements:

- BCP—All sites are eligible to participate, except: federal National Priorities List (NPL) sites; Class 1 sites on the New York State Registry of Inactive Hazardous Waste Disposal Sites (NYS Registry sites); Class 2 NYS Registry sites; permitted Resource Conservation Recovery Act (RCRA) sites (note: interim status sites are eligible); sites subject to an enforcement action; sites subject to a cleanup order or stipulation under Article 12 of the Navigation Law; and sites subject to any other federal or state environmental enforcement action.

Also, under the BCP, the above eligible parties are able to participate unless: they are subject to a pending action or proceeding relating to the proposed site in any court or administrative agency in any jurisdiction wherein the state or federal government seeks the investigation, removal, or remediation of contamination or penalties; they are subject to an order providing for the investigation, removal, or remediation of contamination relating to the proposed site; or they are subject to an outstanding claim for cleanup and removal costs under Article 12 of the Navigation Law ("Oil Spill Prevention, Control, and Compensation"). The DEC may also reject a request for participation if the DEC determines that the public's interest would not be served. (See the NYSDEC's Web site at: <http://www.dec.state.ny.us/website/der/bcp/index.html> for additional eligibility criteria.)

- VCP—Site owners, prospective purchasers, municipalities, and (under some circumstances) operators may participate. Participation by Class 2 sites and NPL sites is not allowed. Note: As of October 1, 2003, no new VCP applications are being accepted.
- ERP—New York State municipalities are eligible. The term municipality includes counties, cities, towns, and villages as well as local public authorities, public benefit corporations, school and supervisory districts, and



improvement districts. Additionally, the term municipality includes community based organizations which partner with a municipality. The municipality must own the property and cannot be responsible for the contamination. The property cannot be listed as a Class 1 or 2 NYS Registry sites.

- BOA—Applicants that are eligible to apply for a grant include, New York State municipalities and community based organizations or municipalities and community based organizations acting in cooperation. A community based organization is a nonprofit corporation, incorporated under Section 501(c)(3) of the Internal Revenue Code whose stated mission is to promote community revitalization within the geographic area in which the community based organization is located; has 25% or more of its board of directors residing in the community in such area; and represents a community with a demonstrated financial need as indicated by high unemployment, low resident incomes, depressed property values, and high commercial vacancy rates.

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):**

- The state Superfund/Brownfield Law authorizes up to \$135,000,000, broken down as follows:
  - \$120,000,000 annually for investigation and remediation of inactive hazardous waste disposal sites and hazardous substance sites, and investigation and remediation of off-site contamination for volunteer sites under the BCP. These funds are provided by the sale of bonds sold by the Environmental Facilities Corporation (EFC). Debt service on the loans is funded 50% by industry fees and 50% by the state's general fund.
  - \$15,000,000 for TAGs (which are associated with the state Superfund/Brownfield Cleanup Programs), BOA grants, state implementation of the BCP and VCP, and non-bondable costs associated with the state Superfund Program. This funding would be provided through the state's general fund.
  - Approximately \$33,000,000 will continue to be appropriated to fund the state's Oil Spill Program.
- Clean Water/Clean Air Bond Act—As part of the \$1.75 billion 1996 Clean Water/Clean Air Bond Act, a fund of \$200 million was created for the ERP. Under the ERP, the state provides grants to municipalities for reimbursement of up to 90% of eligible costs for onsite investigation and remediation activities, and 100% for off-site remediation if required by the DEC. The property may then be used for commercial, industrial, residential, or public use, depending on the level of cleanup. Approximately \$91,800,000 remains uncommitted for ERP projects as of June 30, 2004.

- Clean Water State Revolving Fund offers interest-free short-term loans, and low-interest long-term loans for water-related projects.

### Tax incentives (abatements, credits, etc.):

- The state's environmental conservation law, tax law, and insurance law provide for a suite of tax credits available to parties cleaning up sites under the BCP. These credits offset costs associated with real property taxes, site preparation, ground water remediation, property improvements, and insurance premiums relating to environmental remediation insurance. The applicant must receive a Certification of Completion (COC) from the DEC stating that remediation requirements have been or will be achieved for the brownfield site in question in order to be eligible for the tax credits.

In addition, Environmental Zones (En-Zones) provide enhanced tax credits under the BCP for parties who remediate and redevelop brownfield sites in designated areas. En-Zones are areas identified by the Commissioner of Economic Development as having a poverty rate at least 20% and an unemployment rate at least one-and-a-quarter times the statewide average. For additional information refer to Empire State Development's Web page ([http://www.tax.state.ny.us/sbc/empire\\_zone.htm](http://www.tax.state.ny.us/sbc/empire_zone.htm)).

- There are three tax credits involved with the BCPs.
  - The Redevelopment Credit has three components: Site preparation credit—12% for business and 10% for personal. Both increase by 2% for remediation to Track 1 (unrestricted use).
  - Tangible property credit—(percentages the same as above).
  - On-site ground water remediation credit component—(percentages same as above).

In addition, the applicable percentage will be increased by 8% if at least half of the qualified site is located in an En-Zone.

The Remediated Brownfield Credit for Real Property Taxes provides the following tax credit for qualified sites:

- 25% (or if in an En-Zone, then 100%)
- Multiplied by employment factor
- Multiplied by real property taxes
- Subject to a limitation of: \$10,000 multiplied by the number of full time employees

Employment Number Factor is determined as follows:

- At least 25 but less than 50 = .25
- At least 50 but less than 75 = .50
- At least 75 but less than 100 = .75
- At least 100 or more = 1.0

If the site is located in whole or in part in an Empire Zone, the taxpayer must make an irrevocable election between the two real property tax credits available. Thus, the

# New York

taxpayer needs to select between Remediated Brownfields Credit or the QEZE Real Property Tax Credit in the first year the taxpayer qualifies for both the Remediated Brownfields Credit for Real Property Taxes and the QEZE Real Property Tax Credit.

- The Environmental Remediation Insurance Credit (NYS Insurance Law—Section 3447) provides credits for certain types of insurance coverages including those with:
  - On-site cleanup of pre-existing pollution conditions coverage.
  - Third party claims coverage (bodily injury, property damage).
  - Cost-cap coverage.
  - Re-opener coverage.
- The credit is equal to the lesser of: \$30,000 or 50% of the cost of the policy. There is a one time refundable credit for each policy.

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** The BOA Program is a local planning tool. BOAs provide technical and financial assistance to municipalities and community-based organizations to conduct redevelopment planning and site assessments for designated areas containing brownfields. Funding is available to cover 90% of the costs to complete BOA pre-nomination studies, nomination documents, implementation strategies, and site assessments. Projects in the BOA Program may receive a priority and preference when considered for financial assistance pursuant to any other state, federal, or local law. The BOA Program is administered by the DEC in partnership with the Department of State (DOS).

## Program Elements

### Technical Elements

#### Methods/standards/controls:

- BCP—Cleanups under the BCP must be protective of public health and the environment based on remedy selection criteria including the current, future, and reasonably anticipated land use of the site. New York State law prescribes a multi-track approach for the remediation of contamination: Track 1 (unrestricted use); Track 2 (commercial and industrial use with ground water engineering and institutional controls); Track 3 (unrestricted, commercial and industrial use applying the formula used to develop tracks but applying site specific data); and Track 4 (site-specific soil cleanup objectives using site-specific information). An RP must also conduct any necessary off-site remediation.

In addition, the DEC is required, in concert with the Department of Health, to promulgate in regulations soil cleanup objectives. The objectives are based upon three land uses (unrestricted, commercial and industrial).
- ERP—Cleanup levels are protective of public health and the environment. The process starts with soil cleanup objectives based on unrestricted use and then uses the

feasibility study to determine final soil cleanup levels. Environmental easements are used to control future land use where cleanup is not to unrestricted standards.

- VCP—Cleanups under the VCP must be protective of public health and the environment based on remedy selection criteria that includes site's contemplated use. Contemplated use includes unrestricted and restricted forms of residential, commercial, and industrial uses.

#### Contaminants covered/excluded:

- BCP—hazardous waste (including hazardous substances) and petroleum are covered.
- ERP—hazardous waste and hazardous substances and petroleum are covered; no lead paint inside buildings, 50% of the eligible costs for asbestos/demolition.
- VCP—hazardous wastes; hazardous substances, and petroleum are covered.

#### Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):

- Institutional controls and/or engineering controls are allowed in the BCP, ERP, and VCP programs if they are protective of public health and the environment. In addition, environmental easements may be required for the protection of public health and the environment and to achieve the requirements for remediation established at contaminated sites.
- Institutional controls/engineering controls are beneficial because they may be less expensive, allow for expedited cleanups, and allow property to be reused that are not cleaned up to unrestricted use levels.

## Management & Implementation Elements

### Voluntary Cleanup Program MOA with EPA: No

**Costs to enter program or fees for service:** In the BCP and VCP, state oversight costs must be reimbursed by the party cleaning up the site. Responsible parties must also pay past costs.

#### Funding source for administrative costs and staff:

- Administrative and staff costs are provided by the state's general fund and from the sale of bonds through the Environmental Facilities Corporation.

## Cleanup Activities

### Sites currently in State Brownfields Programs:

- BCP—As of July 1, 2006, the DEC approved 187 applications for participation in the program.
- ERP—As of July 1, 2006, the DEC approved 231 applications for participation in the program.
- VCP—As of July 1, 2006, the DEC approved 762 applications for participation in the program. (Note: the DEC stopped accepting applications for the VCP in 2003.)

### Sites completed under State Brownfields Programs:

- BCP—As of July 1, 2006, 4 sites have completed remedial actions since the program's inception.

- ERP—As of July 1, 2006, 14 sites have remedial actions completed.
- VCP—As of July 1, 2006, 132 sites have remedial actions completed.

**Benefits (incentives to participate, covenants not to sue, etc.):** New York's brownfields programs are designed to promote environmental restoration and preservation, public health protection, economic development, job creation, and community revitalization throughout the state. Incentives to increase participation in the state's programs include technical and financial assistance, liability releases, and tax credits.

## **Public Participation**

**Public participation requirements (notice, comment periods, etc.):**

- The BCP law sets forth citizen participation requirements at several milestones during a BCP project. These requirements may include: developing a citizen participation plan; public notices; fact sheets; public comment periods; and public meetings.
- The ERP law and regulations set forth citizen participation requirements. Among other requirements, the municipality must develop a citizen participation plan that serves as a tool to manage the project's citizen participation program.
- The VCP incorporates public notice and comment at various project's milestones as a matter of policy rather than legal requirement.

**Public participation activities (hearing, meetings, etc.):**

- In addition to project-specific public participation, the state has conducted public participation activities associated with the implementation of the state Superfund/Brownfields Law. The DEC conducted informal, interactive sessions at several locations across the state. At these sessions, the DEC reported on the progress of implementation of the law, as well as the progress of the draft regulations. The DEC solicited input from stakeholders. Updated information on public participation activities is regularly provided on the DEC's Web site.
- The DEC utilized public input to prepare draft regulations, which were released for comment in the Fall of 2005. The DEC anticipates final regulations in 2007.

## **Statutory Authorities**

- The *Environmental Conservation Law*, Articles 17, 19, 27, 71, provides general, comprehensive enforcement and cleanup authority. It includes authority under which the state established a voluntary cleanup program. Part of the *Environmental Conservation Law*, Article 56, Title 5 (1997), establishes the Environmental Restoration Program.
- The General Municipal Law, Article 18-C, Section 970-r, establishes the Brownfield Areas Opportunity Program.

# Puerto Rico

## *General Information*

**Contact:** Puerto Rico Environmental Quality Board (PREQB)  
CORE and Superfund Program

**Address:** P.O. Box 11488  
San Juan, Puerto Rico 00910

**Phone:** 787 767 8181 Ext. 2230

**Fax:** 787 766 0150

**Web site:** <http://www.jca.gobierno.pr>

## ***Program Description (VCP, brownfields, or related)***

In 2000, Puerto Rico began the development of the Property Redevelopment and Voluntary Cleanup Program (PRVCP) under a state assistant grant from EPA. Incentives for participation in the program include liability relief for prospective purchasers and lenders, cleanup certification, Memorandum of Understanding between PREQB and EPA, and agreements between interested parties.

**Brownfields definition:** No information available

**Program titles:** Property Redevelopment and Voluntary Cleanup Program

**Liability relief provisions:** The program offers liability relief for prospective purchasers and lenders through letters, certificates, and/or agreements.

**Financial incentives (grants, loans, tax provisions, etc.):** The PRVCP contemplates tax exemptions as a possible financial incentive, but no final determination has been made.

**Legislative or program site eligibility requirements:** The site eligibility requirements will be included in the program's rules and regulations.

## ***Financial Elements***

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):** No information available

**Tax incentives (abatements, credits, etc.):** PREQB is evaluating tax incentives to be used in the PRVCP.

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** PREQB has the authority to issue cleanup letters and completion letters.

## ***Program Elements***

### ***Technical Elements***

**Methods/standards/controls:** PREQB is developing the procedures, cleanup standards, and methods to be used in the PRVCP.

**Contaminants covered/excluded:** PREQB is developing the list of chemicals of concern to be addressed under the PRVCP.

**Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):** No information available

### ***Management & Implementation Elements***

**Voluntary Cleanup Program MOA with EPA:** No

**Costs to enter program or fees for service:** PREQB will establish a reasonable cost to enter into the PRVCP.

**Funding source for administrative costs and staff:** The funding source for the PRVCP will be a special account with funds collected from the program.

### ***Cleanup Activities***

**Sites currently in VCP:** The PRVCP is under development.

**Sites completed under VCP:** The PRVCP is under development.

**Benefits (incentives to participate in the VCP, covenants not to sue, etc.):** The PRVCP is under development.

### ***Public Participation***

**Public participation requirements (notice, comment periods, etc.):** The PRVCP requires notification to the public on issues related to the cleanup standards, rules and regulations, and cleanup activities related to the program.

**Public participation activities (hearing, meetings, etc.):** PREQB has conducted several public meetings to present the PRVCP to communities, industries, government agencies, and other stakeholders.

### ***Statutory Authorities***

The *Environmental Emergencies Fund Act*, Law 81, 12 LPR Ann. §§1271 et seq. (1987), establishes the Environmental Emergencies Fund and authorizes the Environmental Quality Board to respond to emergencies and recover response costs from liable parties. The Act has no order or injunctive authorities; Puerto Rico relies on other authorities for these purposes, including the Public Policy Environmental Act, Law 9, 12 LPR Ann., §§1121 et seq. (1970, as amended 1973, 1974, 1978, 1983, 1984, 1985, 1993, and 1997).



# Virgin Islands

# REGION 2

## General Information

**Contact:** Division of Environmental Protection  
Department of Planning & Natural Resources  
(DPNR)

**Address:** Cyril E. King Airport, 2<sup>nd</sup> Floor  
St. Thomas, US Virgin Islands 00802  
  
45 Mars Hills, Frederiksted  
St. Croix, US Virgin Islands 00841

**Phone:** 340 774 3320  
340 773 1082

**Fax:** 340 714 9549  
340 692 9794

**Web site:** <http://www.dpnr.gov.vi/dep/home.htm>

## Program Description (VCP, brownfields, or related)

The DPNR is developing a Voluntary Cleanup Program (VCP) under a cooperative agreement with EPA to spur cleanup of brownfields sites in the Virgin Islands. The activities funded under this agreement include: 1) forming a technical committee to guide the development of the VCP; 2) hiring consulting firms to assist DPNR in developing VCP strategies; and 3) training personnel on relevant aspects of the VCP and site inventory procedures.

**Brownfield definition:** No information available

**Program titles:** No information available

**Liability relief provisions:** No information available

**Financial incentives (grants, loans, tax provisions, etc.):**  
No information available

**Legislative or program site eligibility requirements:** No  
information available

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):** No information available

**Tax incentives (abatements, credits, etc.):** No  
information available

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** No  
information available

## Program Elements

### Technical Elements

**Methods/standards/controls:** No information  
available

**Contaminants covered/excluded:** No information  
available

**Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):**  
No information available

### Management & Implementation Elements

**Voluntary Cleanup Program MOA with EPA:** No

**Costs to enter program or fees for service:** No  
information available

**Funding source for administrative costs and staff:**  
No information available

## Cleanup Activities

**Sites currently in VCP:** No information available

**Sites completed under VCP:** No information available

**Benefits (incentives to participate in the VCP, covenants not to sue, etc.):** No information available

## Public Participation

**Public participation requirements (notice, comment periods, etc.):** No information available

**Public participation activities (hearing, meetings, etc.):** No information available

## Statutory Authorities

No information available